A meeting of the City of Charleston Planning Commission will be held at 5:00 p.m., on Wednesday, November 20, 2019 in the Public Meeting Room, 1st Floor, 2 George St. The following applications will be considered:

**Rezonings**

1. **1555 Juniper St (Ardmore/Sherwood Forest – West Ashley)** TMS # 3500300185 AND 186 – 0.58 ac. Request rezoning from Single- and Two-Family Residential (STR) to Diverse Residential (DR-1).
   - Owner: City of Charleston
   - Applicant: Same as owner

2. **52 Kennedy St (Westside - Peninsula)** TMS # 4600704106 – 0.08 ac. Request rezoning from Height District 2.5 to Height District 3. Base zoning is Diverse Residential (DR-2F).
   - Owner: Martay, LLC
   - Applicant: Same as owner

3. **80 Alexander St (Mazyck-Wraggborough - Peninsula)** TMS # 4591304045 – 0.17 ac. Request rezoning from General Business (GB) to Diverse Residential (DR-2F).
   - Owner: 1776 Development, LLC
   - Applicant: Seamon Whiteside & Associates

**Subdivision Property Conversion**

1. **0 Castlereagh Rd (Hemmingwood - West Ashley)** TMS# 3530200167 – 0.28 ac. Request under Section 54-815 of the Zoning Code to convert the parcel from common area/park parcel (reserve parcel) to a building site for a single-family residence.
   - Owner: 782A Rutledge, LLC
   - Applicant: O'Shea Law Firm

**Subdivisions**

1. **Pepperbush St (Crossing at Verdier - West Ashley)** TMS# 3010000028 – approx. 21.275 ac. 42 lots. Request subdivision concept plan approval. Zoned Planned Unit Development (PUD) (Verdier Pointe).
   - Owner: Henry Kuznik
   - Applicant: HLA, Inc.

   - Owner: RHK, LLC
   - Applicant: Seamon Whiteside & Associates

3. **Daniel Island - Northern Parcel FF (Daniel Island)** TMS # 2720000001 AND 2720501004 – 81.30 ac. 62 lots. Request approval of subdivision concept plan.
   - Owner: The Daniel Island Company, Inc.
   - Applicant: Thomas and Hutton
 ORDINANCE AMENDMENTS

1. Request approval of an ordinance providing for an amendment to the Daniel Island Master Plan zoning text.
   
   Owner: The Daniel Island Company, Inc.
   Applicant: Womble Bond Dickinson (US) LLP

2. Request approval of an ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to Planning Commission composition to establish commission member alternates and to update other applicable sections related to Planning Commission rules and procedures.

3. Request approval of an ordinance to amend Part 15 (Mixed Use 1 - Workforce Housing District Mixed Use 2 - Workforce Housing District) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to implement the federal Opportunity Zone program, by creating certain incentives to encourage the development of workforce housing units within designated qualified opportunity zones.

4. Request approval of an ordinance to amend Chapter 54 of the code of the City of Charleston (Zoning Ordinance) to add to Sec. 54-299.4.b of the Zoning Ordinance a requirement for the installation of a twelve foot (12') wide multi-use path along the frontage of parcels within the Folly Road, FR, Overlay Zone; to authorize the Zoning Administrator to reduce the minimum required buffer plantings adjacent to a right-of-way and/or reduce the minimum required width of the multi-use path in certain circumstances, with appeal to the Board of Zoning Appeals-Site Design; and to amend Sec. 54-120 of the Zoning Ordinance to add definitions for the terms "bikeway" and "multi-use path."

5. Request approval of an ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to clarify the types of dwellings defined in Sec. 54-120 by including definitions for “single-family detached dwelling” and “single-family attached dwelling.”

 ZONINGS

1. 320 Woodland Shores Rd (Woodland Shores – James Island) TMS # 3431100117 – 1.0 ac.
   Request zoning of Single-family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
   Owner: Cecil K. and Janice M. Cargile

2. Brickyard Rd (Johns Island) TMS# 3110000090 – 2.0 ac. Request zoning of Rural Residential (RR-1). Zoned Single-Family Residential (R-4) in Charleston County.
   Owner: Worldwide Investments, LLC

Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 2 George St, Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting www.charleston-sc.gov/pc.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
City of Charleston
Planning Commission

November 20, 2019

Rezoning 1:
1555 Juniper St & adjacent lot (Ardmore/Sherwood Forest – West Ashley)

Note: This project has already received first reading by Council at the November 12, 2019 Council meeting and was advanced with minimal discussion. Planning Commission comments will be shared with Council prior to getting second reading and public hearing at the November 26, 2019 Council meeting.

BACKGROUND

The applicant (City of Charleston) is requesting a rezoning from Single- and Two-Family Residential (STR) to Diverse Residential (DR-1). The subject properties, located in the Ardmore/Sherwood Forest neighborhood of West Ashley, currently contain a single-family home and is surrounded by residential uses. The property is surrounded primarily by Single-Family Residential (SR-2) with some STR and Diverse Residential (DR-1F) zoning in close proximity.

DR-1 zoning allows for multi-family residential (3 or more dwellings) at a density of 19.4 units per acre, the same density as DR-1F but with more flexibility for frontage and setbacks. On the 0.55 acre lot, this zoning would allow for up to 10 units, before factoring in space for required parking, setbacks and frontage. The current zoning STR only allows for up to one two-family dwelling.

The City of Charleston is requesting this rezoning in order to support current plans to build 10 affordable townhomes to be marketed through the City’s First-time Homebuyer Initiative which provides affordable homeownership opportunities to households making up to 120% of the Area Median Income (AMI). Homes sold through this program are maintained affordable for 99 years from the date of purchase through restrictive covenants.

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan recommends maintaining the character of established areas in the City when considering the rezoning of property. Historically, the neighborhood was zoned primarily Diverse Residential until 1986 when a large portion of the neighborhood was rezoned wholesale to Single-Family Residential (SR-2). In the Century V Plan, the subject property is designated as Suburban which encourages low density, suburban-style areas, adjacent to higher zones that include some mixed-use. The requested DR-1 zoning district allows for more density than is the intent of the Suburban designation, but it does align with the existing patterns of development currently and historically in the surrounding area. The Century V Plan also recommends the accommodation of a full spectrum of housing for all neighborhoods by permitting a range of building types compatible with the neighborhood setting (page 63-64).

STAFF RECOMMENDATION

APPROVAL

MEETS THE DEFINITION OF AFFORDABLE/WORKFORCE HOUSING DETERMINED BY THE CITY OF CHARLESTON DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.
Rezoning 1

1555 Juniper Street & adjacent lot
(Ardmore/Sherwood Forest - West Ashley)

TMS # 3500300185 and 3500300186

0.58 ac.

Request rezoning from Single and Two-Family Residential (STR) to Diverse Residential (DR-1).

Owner: City of Charleston
Applicant: City of Charleston
1555 Juniper St, Century V Plan
BACKGROUND

The applicant is requesting a rezoning from Height District 2.5 to Height District 3. The base zoning of the lot is Diverse Residential (DR-2F). The subject property is located above the Crosstown in the Westside neighborhood of West Ashley off President St near Gadsden Green. The property currently contains a partially built foundation structure and is surrounded by single- and multi-family homes (primarily duplexes). This section of the peninsula falls within the Height District 2.5. Just across the Crosstown, the Height District increases to 2.5-3.5.

The applicant is requesting a rezoning to Height District 3 to accommodate plans to build a two-story affordable housing unit with a raised basement. Due to the elevation of the site (6 feet above sea level), the current Height District zoning would only allow for 1.5 stories of buildable space. The request would increase allowed height by a half-story, but would still be lower than the neighboring Height District across the Crosstown.

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan does not directly address height limitations, but does recommend that buildings reflect rather than be foreign to the neighborhood scale. Height Districts are one tool used to achieve this goal. Given that there are several other two-story homes on the street with raised basements and that new development must adapt to increasing flooding challenges, Height District 3 is suitable for this property. Additionally, the project supports the City’s priority for the development of affordable housing.

STAFF RECOMMENDATION

APPROVAL

MEETS THE DEFINITION OF AFFORDABLE/WORKFORCE HOUSING DETERMINED BY THE CITY OF CHARLESTON DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.
Rezoning 2

52 Kennedy St (Westside - Peninsula)

TMS # 4600704106
0.08 ac.

Request rezoning from Height District 2.5 to Height District 3. Base zoning is Diverse Residential (DR-2F).

Owner & Applicant: Martay, LLC
Rezoning 3:

80 Alexander St (Mazyck-Wraggborough – Peninsula)

BACKGROUND

The applicant is requesting rezoning from General Business (GB) to Diverse Residential (DR-2F). The applicant recently received approval from the City of Charleston Board of Zoning Appeals (BZA) for a special exception to build accommodations (Liberty Hotel) on the adjacent property, with the condition that the subject property be restored to residential use prior to issuance of a certificate of occupancy. The subject property currently contains a residential structure. Surrounding zonings are a mixture of DR-1F, DR-2F and GB.

DR-2F zoning allows for multi-family residential at a density of 26.4 units per acre, the highest residential zoning. The current GB zoning is intended to provide for a broad range of commercial uses and activities and is the most intensive commercial zoning district. Though residential uses are already allowed under GB, the rezoning to DR-2F would prevent the property from being used for commercial uses in the future and thus would satisfy the condition set by the BZA.

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan recommends maintaining the character of established areas in the City when considering the rezoning of property. The subject property is designated in the Century V Plan as Urban Core which is intended to be the densest, most mixed-use portion of the City. The requested DR-2F zoning district aligns well with the intent of the Urban Core designation as well as the existing patterns of development in the surrounding area.

STAFF RECOMMENDATION

APPROVAL
Rezoning 3

80 Alexander St (Mazyck-Wraggborough - Peninsula)

TMS # 4591304045
0.17 ac.

Request rezoning from General Business (GB) to Diverse Residential (DR-2F).

Owner: 1776 Development, LLC
Applicant: Seamon Whiteside & Associates
80 Alexander St - Century V Plan

[Map showing land use and urban planning details around Alexander St.]

[Zoomed-in map highlighting specific areas around E Bay St, Calhoun St, and King St.]
CITY OF CHARLESTON
PLANNING COMMISSION

November 20, 2019

Subdivision Property Conversion 1:

0 Castlereagh Rd
TMS# 353-02-00-167

BACKGROUND

This property is located in the Hemingwood Subdivision in West Ashley. The subdivision was built under Charleston County jurisdiction in 1989 and was annexed into the City of Charleston in 1993. On the final subdivision plat recorded on August 24, 1989, the lot in question is shown as a 12,390.33 square feet “park (common area).” The owner of the property wishes to remove the park/common area status of the parcel and convert it to a building site in order to build a new single family residence on the parcel. The Hemmingwood PUD requires a minimum lot size of 6,000 square feet for a residential parcel. The subject parcel is 0.28 acre, or 12,197 square feet.

Per Sec. 54-815 of the City of Charleston Zoning Ordinance, this conversion requires approval by the Planning Commission.

Sec. 54-815. - Miscellaneous platting situations.
Converting parcels to building sites. A land parcel created by deed or land parcel identified as a reserve parcel on a plat may be converted to a building site within the limits set forth in this chapter. Removal of the reserve status shall require Planning Commission approval.

STAFF RECOMMENDATION

DENIAL

THE CITY FEELS THAT THE PARCEL WAS INTENDED TO BE OPEN SPACE/PARK FOR THE NEIGHBORHOOD AND IT SHOULD REMAIN AS DESIGNATED, UNLESS THE NEIGHBORHOOD PROVIDES DOCUMENTATION SUPPORTING THE REQUEST TO CONVERT IT INTO A BUILDING SITE.
Subdivision Property Conversion 1
0 Castlereagh Rd (West Ashley)
TMS# 3530200167
0.28 ac.

Request under Section 54-815 of the Zoning Code to convert the parcel from common area/park parcel (reserve parcel) to a building site for a single-family residence.

Owner: 782A Rutledge, LLC
Applicant: O’Shea Law Firm
DEDICATION STATEMENT

THE SQUIRES HOME, INC, IN RECORDING THIS PLAT OF HEMMINGWOOD SUBDIVISION COMMUNITY HAS DESIGNATED CERTAIN AREAS OF LAND AS COMMON AREAS INTENDED FOR THE USE BY THE HOMEOWNERS IN HEMMINGWOOD SUBDIVISION COMMUNITY FOR RECREATION AND OTHER RELATED ACTIVITIES.

THE DESIGNATED AREAS ARE NOT DEDICATED HEREBY FOR USE BY THE GENERAL PUBLIC, BUT ARE DEDICATED TO THE COMMON USE AND ENJOYMENT OF THE HOMEOWNERS IN HEMMINGWOOD SUBDIVISION COMMUNITY AS MORE FULLY PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS APPLICABLE TO HEMMINGWOOD SUBDIVISION COMMUNITY DATED SAID DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS IS HEREBY INCORPORATED AND MADE A PART OF THIS PLAT.

ALSO, BY THE RECORDING OF THIS PLAT I HEREBY DEDICATE ALL EASEMENTS AND ROAD RIGHT OF WAYS TO THE USE OF THE PUBLIC FOREVER.

[Signature]

OWNERS OR REPRESENTATIVE
CITY OF CHARLESTON
PLANNING COMMISSION

November 20, 2019

Subdivision 1

The Crossing at Verdier – Concept Plan
(Pepperbush St – West Ashley)

BACKGROUND

The applicant is requesting subdivision concept plan approval for 10.35 acres on Pepperbush Street in West Ashley. This project consists in the creation of new rights-of-way to serve 38 parcels for single-family detached homes as well as open space. The proposed rights-of-way are typical for Residential Streets in the Verdier Pointe PUD and the new parcels conform to the subdivision requirements for new parcels in the PUD. There are wetlands on the parcel; wetlands are proposed to be impacted by the proposed subdivision. The City’s Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Planned Unit Development (PUD) under the Verdier Point PUD. The PUD allows for single-family detached and attached residential units. The surrounding existing uses include single and multi-family residential and commercial uses are proposed as future development continues.

STAFF RECOMMENDATION

TBD
Subdivision 1

Pepperbush St
(Crossing at Verdier - West Ashley)

a portion of TMS# 3010000028

approx. 21.275 ac.

42 lots. Request subdivision concept plan approval. Zoned Planned Unit Development (PUD) (Verdier Pointe).

Owner: Henry Kuznik
Applicant: HLA, Inc.
CITY OF CHARLESTON
PLANNING COMMISSION

November 20, 2019

Subdivision 3

Daniel Island – Northern Parcel FF
(Lesesne St – Daniel Island)

BACKGROUND

The applicant is requesting subdivision concept plan approval for 81.30 acres off of Lesesne Street in Daniel Island. This project consists in the creation of new rights-of-way to serve 62 parcels for single-family detached homes as well as open space. The proposed rights-of-way are typical for Residential Streets in the Daniel Island Master Plan and the new parcels conform to the subdivision requirements for new parcels in Daniel Island. There are wetlands and critical area on the parcel; wetlands are proposed to be impacted by the proposed subdivision. The City’s Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

STAFF RECOMMENDATION

TBD
Subdivision 3
Daniel Island - Northern Parcel FF
(Daniel Island)

TMS# 2720000001 AND 2720501004

approx. 81.30 ac.

62 lots. Request subdivision concept plan approval.

Owner:   The Daniel Island Company, Inc.
Applicant:   Thomas and Hutton
CITY OF CHARLESTON
PLANNING COMMISSION

November 20, 2019

Ordinance Amendment 1:

Request approval of an ordinance providing for an amendment to the Daniel Island Master Plan zoning text.

BACKGROUND

The attached Exhibit describes the proposed zoning text amendments.

STAFF RECOMMENDATION

APPROVAL
Exhibit A

TO AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE DANIEL ISLAND MASTER PLAN ZONING TEXT

CITY OF CHARLESTON
BERKELEY COUNTY, SOUTH CAROLINA

1. A new paragraph is hereby added to the end of Section 3.2(2) as follows:

“In Daniel Island Conservation Zones, land may be used for communication towers subject to the criteria and approval as set forth in Section 3.2(4)(8).”

2. Section 3.2(3)(3) is hereby amended by inserting the words “indoor and” immediately before “outdoor athletic facilities,” such that Section 3.2(3)(3) reads as follows:

“3.2(3)(3) Parks, playgrounds, golf courses, club houses and indoor and outdoor athletic facilities, except that as to facilities proposing outdoor lighting, the Board of Zoning Appeals—Zoning shall approve an exception such outdoor lighting if in its judgment any adverse effects of such lighting on surrounding property are appropriately minimized.”

3. A new Section 3.2(4)(8) is hereby added to be inserted immediately following Section 3.2(4)(7) as follows:

“3.2(4)(8) Communication towers (as defined in the Zoning Ordinance of the City of Charleston), subject to approval by the Zoning Administrator or the Board of Zoning Appeals—Zoning, as applicable, pursuant to the criteria set forth in Section 54-207(c) of the Zoning Ordinance of the City of Charleston, as amended from time to time. The criteria set forth in Section 54-207(c) of the Zoning Ordinance of the City of Charleston shall be applied notwithstanding that such Section does not reference zoning districts within the Daniel Island Master Plan, provided that the criteria relating to proximity to conservation zoned property shall not apply for property subject to the Daniel Island Master Plan. The height limits for communication towers set forth in Section 54-207(c) of the Zoning Ordinance of the City of Charleston shall apply in lieu of the height limits otherwise set forth in the Daniel Island Master Plan. Communication towers which are no longer used for communication purposes must be dismantled and removed within 120 days of the date the tower is taken out of service.”

4. Section 4.5(4) is hereby amended by deleting “60%” and substituting in lieu thereof “80%” such that Section 4.5(4) reads as follows:

“4.5(4) Lot Coverage No more than 80% of a lot may be covered by impervious surfaces.”
City of Charleston
Planning Commission

November 20, 2019

Ordinance Amendment 3:

Request approval of an ordinance to amend Part 15 (Mixed Use 1 - Workforce Housing District Mixed Use 2 - Workforce Housing District) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to implement the federal Opportunity Zone program, by creating certain incentives to encourage the development of workforce housing units within designated qualified opportunity zones.

BACKGROUND

Note: Planning Commission recommended approval of a previous version of this ordinance on April 17, 2019. The ordinance went to City Council for a public hearing on May 28, 2019 where, after some discussion, it was sent to the Community Development (CD) Subcommittee of City Council for further review and refinement. A new, simplified, version of the ordinance, based on comments from City Council, went to the CD Subcommittee on September 26. The amended version was recommended for approval to City Council with minor changes and City Council gave first reading approval of the ordinance on October 8, 2019 and referred it to Planning Commission for a recommendation.

The current zoning ordinance amendment relating to Opportunity Zones is a version vastly simplified from the original version by giving ‘qualified developments’ defined in the ordinance the option to use the incentives and requirements applicable to Mixed-Use Workforce Housing zoning districts without rezoning. Only properties within designated opportunity zones (as approved by the federal government) and within a base zoning of UC, GB, LB, CT, GO, BP, LI, or HI are eligible to use this option. The CD Subcommittee of City Council recommended removal of the option for qualified developments to pay a fee to the City in lieu of providing workforce housing on-site. The recommended change is reflected in the attached ordinance.

Opportunity zones, added to the federal tax code by the Tax Cuts and Jobs Act (the “Act”) on December 22, 2018, provide for preferential tax treatment for new investments in economically-distressed areas, including areas within the City designated as qualified opportunity zones under the procedures set forth in the Act.

The creation of qualified developments in areas of the City designated as qualified opportunity zones is intended to take advantage of the Act and the economic development tools provided therein to spur economic development and job creation in distressed communities, while ensuring appropriate housing is provided in these areas.

Staff Recommendation

Approval with recommendation to remove the option for qualified ‘Opportunity Zone’ developments to pay a fee in lieu of providing workforce housing.
AN ORDINANCE

TO AMEND PART 15 (MIXED USE 1 - WORKFORCE HOUSING DISTRICT MIXED USE 2 - WORKFORCE HOUSING DISTRICT) OF ARTICLE 2 (LAND USE REGULATIONS) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA (ZONING ORDINANCE), TO IMPLEMENT THE FEDERAL OPPORTUNITY ZONE PROGRAM, BY CREATING CERTAIN INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF WORKFORCE HOUSING UNITS WITHIN DESIGNATED QUALIFIED OPPORTUNITY ZONES.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Part 4 of Article 3 of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby amended to read as follows:

PART 15 – MIXED USE 1 WORKFORCE HOUSING DISTRICT MIXED USE 2 WORKFORCE HOUSING DISTRICT DISTRICTS AND OPPORTUNITY ZONES

Sec. 54-297. - Findings.

a. City Council finds that its urban areas have traditionally included mixed use developments that incorporate housing opportunities for persons of varying means and incomes, along with complementary nonresidential uses. City Council finds that these mixed use developments have contributed significantly to the economic success and unique fabric of its urban environment by enhancing diversity and providing job opportunities, and that it is in the public interest that incentive-driven districts be established to encourage the continued development of mixed use projects.

b. City Council finds that opportunity zones, which were added to the federal tax code by the Tax Cuts and Jobs Act (the “Act”) on December 22, 2018, provide for preferential tax treatment for new investments in economically-distressed areas, including areas within the City designated as qualified opportunity zones under the procedures set forth in the Act.

Sec. 54-298. - Purpose.

a. These The MU-1/WH and MU-2/WH base zoning districts are intended to promote a mixture of housing opportunities within a single development, along with appropriate nonresidential uses, by providing incentives for the creation of such developments in urban areas of the city where on street parking or other public parking is customary and can be reasonably accommodated.

b. The creation of qualified developments in areas of the City designated as qualified opportunity zones is intended to take advantage of the Act and the economic
development tools provided therein to spur economic development and job creation in distressed communities, while ensuring appropriate housing is provided in these areas.

Sec. 54-299. – Availability.

a. Except as set forth in Sec. 54-299.b, the MU-1/WH and MU-2/WH districts, being incentive based, are only available to property owners who apply for the district designation.

b. Subject to the terms, conditions, and restrictions set forth in this Part, notwithstanding Sec. 54-299.a, any owner may apply for the incentives applicable to the MU-1/WH or MU-2/WH districts without applying for the district designation, by demonstrating to the Zoning Administrator that the proposed development on the owner’s property meets all of the following criteria:

i. The development is funded wholly or in part by a qualified opportunity zone fund.

ii. The development lies wholly or in part within a designated qualified opportunity zone.

iii. The development will occur on property lying entirely in at least one of the following base zoning districts: UC, GB, LB, CT, GO, BP, LI, or HI.

Sec. 54-299.1. – Definitions.

Terms in this Part shall be defined as follows: For the purpose of this part, the following terms mean:

a. Owner occupied workforce housing unit: A dwelling unit where at least one occupant is an owner, and where all occupants have, in the aggregate, household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.

b. Rental workforce housing unit: A dwelling unit, where occupants have, in the aggregate, household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
c. **Qualified household**: Households where occupants have, in the aggregate, (1) a household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied workforce housing units; (2) a household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors, for workforce housing units; or (3) a household income less than or equal to sixty (60%) percent of the area median income (AMI).

d. **Initial maximum allowable sales price**: An amount equal to three (3) times one hundred twenty (120%) percent of the area median income (AMI), as determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors, plus any subsidy available to the buyer/purchaser.

e. **Affordable rent**: An amount equal to thirty (30%) percent of eighty (80%) percent of the annual Area Median Income (AMI), as published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area, as may be adjusted by the City of Charleston Department of Housing and Community Development, or their successors. Affordable rent for efficiency/studio units is the High HOME rents as published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area, as may be adjusted by the City of Charleston Department of Housing and Community Development, or their successors. In the absence of such information, the rent, total annual rent charged by the owner shall not exceed thirty (30%) percent of the annual household income.

f. **Household income**: All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance welfare programs, other sources of income regularly received, including Veterans’ (VA) payments, unemployment compensation and alimony, and awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the household members’ families for medical, personal or educational needs.

g. **Area Median Income (AMI)**. Area median income (AMI) shall be as determined annually by the United States Department of Housing and Urban Development, as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
h. Designated qualified opportunity zone: A designated qualified opportunity zone is a qualified opportunity zone, as defined in subsection (a) of Section 1400Z-1 of Title 26 of the United States Code, that has received a designation pursuant to that section.

i. Qualified opportunity zone fund: The term “qualified opportunity zone fund” is defined in subsection (d) of Section 1400Z-2 of Title 26 of the United States Code.

j. Qualified development: A development satisfying the criteria in Sec. 54-299.b, as determined by the Zoning Administrator.

Sec. 54-299.2. – Land uses for MU-1/WH and MU-2/WH districts.

[The provisions of the current Sec. 54-299.2 are incorporated fully herein by reference]

Sec. 54-299.3. – Parking and loading.

[The provisions of the current Sec. 54-299.3 are incorporated fully herein by reference]

Sec. 54-299.4. – Height, area and setback regulations.

a. The height, area and setback regulations for the MU-1/WH and MU-2/WH districts are listed under Article 3, Part 1, Table 3.1 (Height, Area and Setback Regulations) of Article 3 (Site Regulations) of this Chapter in Table 3.1 (Height, Area and Setback Regulations).

b. The height, area and setback regulations for the MU-1/WH and MU-2/WH districts, as set forth in Table 3.1, shall also apply within qualified developments.

Sec. 54-299.5. - Affordable/workforce housing account.

[The provisions of the current Sec. 54-299.5 are incorporated fully herein by reference]

Sec. 54-299.6. - Existing MU-1/WH and MU-2/WH classifications.

[The provisions of the current Sec. 54-299.6 are incorporated fully herein by reference]

Sec. 54-299.7. – Lot frontage requirements.

a. New lots created in the MU-1/WH and MU-2/WH zone districts shall not be required to have frontage on a street, as set forth in Sec. 54-824.

b. New lots created within a qualified development shall not be required to have frontage on a street, unless such frontage would be required on a new lot created in the MU-1/WH and MU-2/WH zone districts.
Sec. 54-299.8 – Land Uses for Qualified Developments.

With respect to a qualified development, the following standards shall apply:

a. Every qualified development containing dwelling units shall be subject to the same incentives and requirements applicable to a development in the MU-1/WH or MU-2/WH zoning districts except that the option of a fee payment in lieu of units as set forth in Sec 54-299.2(c) shall not apply.

b. Nonresidential uses allowable in a qualified development are the nonresidential uses allowable in the base zoning district of the property.

Sec. 54-299.9–54-299.10. – Reserved

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of _____ in the year of Our Lord, 2019, in the ___ Year of the Independence of the United States of America.

By:

__________________________
John J. Tecklenburg, Mayor
City of Charleston

ATTEST:

By:

__________________________
Vanessa Turner Maybank
Clerk of Council
CITY OF CHARLESTON
PLANNING COMMISSION

November 20, 2019

Ordinance Amendment 4:

Request approval of an ordinance to amend Chapter 54 of the code of the City of Charleston (Zoning Ordinance) to add to Sec. 54-299.4.b of the Zoning Ordinance a requirement for the installation of a twelve foot (12’) wide multi-use path along the frontage of parcels within the Folly Road, FR, Overlay Zone; to authorize the Zoning Administrator to reduce the minimum required buffer plantings adjacent to a right-of-way and/or reduce the minimum required width of the multi-use path in certain circumstances, with appeal to the Board of Zoning Appeals-Site Design; and to amend Sec. 54-120 of the Zoning Ordinance to add definitions for the terms “bikeway” and “multi-use path.”

BACKGROUND

This ordinance will be presented in detail during the Planning Commission meeting.

STAFF RECOMMENDATION

TO BE DISCUSSED DURING THE MEETING
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD TO SEC. 54-299.4.b OF THE ZONING ORDINANCE A REQUIREMENT FOR THE INSTALLATION OF A TWELVE FOOT (12’) WIDE MULTI-USE PATH ALONG THE FRONTAGE OF PARCELS WITHIN THE FOLLY ROAD, FR, OVERLAY ZONE; TO AUTHORIZE THE ZONING ADMINISTRATOR TO REDUCE THE MINIMUM REQUIRED BUFFER PLANTINGS ADJACENT TO A RIGHT-OF-WAY AND/OR REDUCE THE MINIMUM REQUIRED WIDTH OF THE MULTI-USE PATH IN CERTAIN CIRCUMSTANCES, WITH APPEAL TO THE BOARD OF ZONING APPEALS-SITE DESIGN; AND TO AMEND SEC. 54-120 OF THE ZONING ORDINANCE TO ADD DEFINITIONS FOR THE TERMS “BIKEWAY” AND “MULTI-USE PATH.”

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The following terms and definitions are hereby added to Sec. 54-120 of the Code of the City of Charleston (“Zoning Ordinance”), to be included in alphabetical order with the other definitions listed therein:

“Bikeway” is a generic term for any road, street, path, or traveled way that is in some manner specifically or legally designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

“Multi-Use Path” means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Multi-use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

Section 2. Sec. 54-299.4.b of the Zoning Ordinance is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with strikethrough):

b. **Generally.**

1. **Development regulations for all areas of the FR overlay zone.** The following development regulations apply to all parcels within the FR overlay zone in addition to the requirements described below for each of the five sub-areas. All non-single family detached development applications, **except for development applications for one-family detached dwellings**, shall, at the time application is made, provide proof that the following requirements will be met prior to the issuance of any approvals:

   (a) Vehicle access.

   (1) All parcels in this overlay zoning district with a base zoning of RO (Residential Office) shall be allowed one curb cut per 150 feet of road
frontage; all other parcels with a commercial base zoning shall be allowed one curb cut every 250 feet.

(2) Proposed new access drives shall be a minimum distance of 75 feet from a street intersection measured from the edge of the intersecting roadway to the beginning of the driveway radius. These minimum spacing requirements shall be increased if a right-turn deceleration lane is required and shall equal the length of the turn lane and taper plus an additional distance of 50 feet.

(3) All applications for development of non-residential uses shall include a suitable access management plan demonstrating that the driveway separation requirements can be met. The following techniques may be employed to achieve this result, but the burden of accomplishing the desired effect remains with the developer of the property:

   a. Aggregation of parcel;

   b. Parallel frontage or "backage" roads;

   c. Shared curb cuts between adjoining properties; and

   d. Shared access easements between parcels.

(b) Pedestrian access. Paved pedestrian ways shall be included in site design and shall provide a continuous link to adjacent parcels, as well as within the development area. Grade-separated pedestrian walkways must provide a direct connection from the street to the main entrance, and to abutting properties. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through parking lots or cross driveways and sidewalks may be allowed in right-of-way-buffers.

(c) Building height. The height of buildings shall not exceed a maximum of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less, measured from the highest curb elevation of Folly Road adjacent to the site, except that architectural features such as parapets, cupolas, roof structures, and other similar features shall be allowed to exceed the 35-foot height limitation but not exceed a total building height of 40 feet.

(d) Residential density. Parcels with a base zoning of CT, LB, GB and LI within the Folly Road Overlay shall be limited to a maximum of eight dwelling units per acre of high ground. A maximum of 12 dwelling units per acre of high ground shall be permitted if workforce housing requirements contained in Article 2, Part 15, of this Chapter are met. All parcels developed with residential uses greater than 10,000 square feet shall include commercial uses so that the square footage of conditioned, commercial floor space equals a
minimum of 10 percent of the total square footage of conditioned floor space on the parcel. Residential developments that provide workforce housing shall be exempt from the 10 percent commercial use requirement.

(e) Uses. Permitted uses and prohibited uses are described in each of the five sub-areas below. Gun shops shall be permitted only on parcels in this overlay zoning district with a base zoning of General Business (GB).

(f) Coordination with adjacent jurisdictions. A letter of notification to the Town of James Island, Charleston County, and/or City of Folly Beach shall be required as part of all land development applications, dependent upon overlay zoning district area. The purpose of the notification is to ensure that each jurisdiction is aware of proposed development.

(g) Multi-Use Path. A multi-use path of at least twelve feet (12’) in width shall be installed along the frontage of the parcel. The design of the multi-use path shall be reviewed and approved by the Design Review Board (“DRB”). If the applicant establishes that the required minimum width of the multi-use path is not feasible based on site conditions, the DRB may: (1) permit a reduction in the required minimum buffer plantings along the road right-of-way to accommodate the minimum required width of the path; and/or (2) permit a reduction in the required width of the multi-use path.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of ______________ in the Year of Our Lord, 2019, and in the_____ Year of the Independence of the United States of America

_____________________________
John J. Tecklenburg, Mayor

ATTEST: _______________________
Clerk of Council
CITY OF CHARLESTON
PLANNING COMMISSION

November 20, 2019

Ordinance Amendment 5:

Request approval of an ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to clarify the types of dwellings defined in Sec. 54-120 by including definitions for “single-family detached dwelling” and “single-family attached dwelling.”

BACKGROUND

This ordinance will be presented in detail during the Planning Commission meeting.

STAFF RECOMMENDATION

APPROVAL
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO CLARIFY THE TYPES OF DWELLINGS DEFINED IN SEC. 54-120 BY INCLUDING DEFINITIONS FOR “SINGLE-FAMILY DETACHED DWELLING” AND “SINGLE-FAMILY ATTACHED DWELLING.”

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The definition of “Dwelling” in Sec. 54-120 of the Code of the City of Charleston (“Zoning Ordinance”) is hereby amended to read as follows (new text in bold and double underlined and deleted text with strikethrough):

Dwelling. Any building, or part thereof, used and occupied for human habitation or intended to be so used including any appurtenances belonging thereto or usually enjoyed therewith but not including hotels, motels, inns, bed and breakfasts, boarding or rooming houses, and timesharing facilities (see also "Residential Use").

Types of Dwellings:

One-Family Detached Dwelling. A separate detached building designed for and occupied exclusively as a residence by one family.

Single-Family Detached Dwelling. See One-Family Detached Dwelling.

One-Family Attached Dwelling. A building designed for and occupied exclusively as a residence by one family, being attached by means of a common dividing side wall or walls to one or more buildings likewise designed for and occupied as a residence for one family. A single housing unit occupies each structure from ground to roof and independent access is available for each unit from the outside. Such attached one-family dwellings are commonly referred to as "town", "patio", or "row" houses.

Single-Family Attached Dwelling. See One-Family Attached Dwelling.

Two-Family Dwelling. A separate detached building designed for or occupied exclusively as a residence by two families.

Mobile Home. See definition under "Mobile Home" in this Section.

Multi-family Dwelling. A building designed or occupied otherwise than as a one-family dwelling or a two-family dwelling. The term "multi-family dwelling" shall be understood to include apartment houses, tenement houses, residential condominiums and similar multi-family buildings exclusive of hotels, apartment hotels, and motels, inns,
Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of 
___________ in the Year of Our Lord, 2019, 
and in the _____ Year of the Independence of 
the United States of America

________________________________________
John J. Tecklenburg, Mayor

ATTEST: ________________________________

Clerk of Council
CITY OF CHARLESTON
PLANNING COMMISSION

November 20, 2019

Zonings 1 & 2:
Recently Annexed Properties in James Island and Johns Island

BACKGROUND

The following zoning items located in James and Johns Islands were recently annexed into the City of Charleston. The zoning district recommended in the City closely matches the zoning assigned to the property in Charleston County or it is compatible with the context of the existing development or lot sizes in the surrounding neighborhood.

<table>
<thead>
<tr>
<th>Zoning Item</th>
<th>Property Address</th>
<th>Approx. Acres</th>
<th>Land Use</th>
<th>Previous Zoning</th>
<th>Recommended Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Island</td>
<td>320 Woodland Shores Rd</td>
<td>1.0</td>
<td>Single-Family Residential</td>
<td>R-4</td>
<td>SR-1</td>
</tr>
<tr>
<td>Johns Island</td>
<td>Property on Brickyard Rd</td>
<td>2.0</td>
<td>undeveloped</td>
<td>R-4</td>
<td>RR-1</td>
</tr>
</tbody>
</table>

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan recommends maintaining the character of established areas in the City when considering the zoning of property. The subject properties are designated in the Century V Plan as Suburban or Suburban Edge which are predominately residential and low density. Given the existing zonings and existing pattern of development in the surrounding area the proposed zonings are appropriate for these sites.

STAFF RECOMMENDATION

APPROVAL OF ZONINGS 1 & 2
Zoning 1

320 Woodland Shores Rd
(Woodland Shores - James Island)

TMS # 3431100117

1.0 acre

Request zoning of Single-family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Cecil K. and Janice M. Cargile
320 Woodland Shores Rd - Century V Plan
Zoning 2

Brickyard Rd
(Johns Island)

TMS # 3110000090

approx. 2.0 acre

Request zoning of Rural Residential (RR-1).
Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Worldwide Investments, LLC